IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 24482 of 2007(M)

PETITIONER:

C.K.SHERLY,
AGED 35 YEARS, W/O. SAJI SHINOB,
HIGH SCHOOL ASSISTANT (MATHS), A.M.M.HIGH SCHOOL,
PULIKKAL, MALAPPURAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
MALAPPURAM.

3. THE MANAGER,
A.M.M.HIGH SCHOOL, PULIKKAL, MALAPPURAM DISTRICT.

4. SMT.RABEEHA,
UPPER PRIMARY SCHOOL ASSISTANT, A.M.M. HIGH SCHOOL
PULIKKAL, MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.24482 OF 2007

Dated this the 13th day of August, 2007

JUDGMENT

Petitioner who is stated to be working as High School Assistant against a leave vacancy in the school under the management of respondent no.3 takes exception to the appointment of respondent no.4 against a permanent vacancy which arose in the school subsequently. It is contended by the petitioner that she ought to have been given preference in the matter of appointment against the said regular vacancy.

2. Anyhow, I do not propose to deal with the various contentions raised by the petitioner in this regard, in view of the limited prayer made by the learned counsel for the petitioner at the Bar. He submits that petitioner has preferred Ext.P3 representation before the controlling officer highlighting the illegality and irregularity committed by the manager. He submits that petitioner will be satisfied, if a direction is issued to respondent no.2 to take a decision on Ext.P3 without any delay.

3. Therefore, the writ petition is disposed of with a direction to respondent no.2 to consider and pass orders on Ext.P3 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment. While taking the decision, respondent no.2 shall keep in view Ext.P1 order of the Government. Respondent no.2 shall ensure that petitioner, the manager and respondent no.4 are afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.2 for compliance. She shall also send copies of the above documents to respondents 3 and 4 by registered post for information.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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